

**The Law Offices of
JOHN J. ORLANDO
8118 13th Avenue
Brooklyn, New York 11228
718-238-0020 Fax: 718-238-0031**

Marisa Megur Seifan
Assistant United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

May 29, 2012

Re.: U.S. -v- Vincent Spinelli
Crim. No.: 11CR413 (SLT)

REQUEST FOR A BILL OF PARTICULARS

Dear Assistant United States Attorney:

In order for the defendant to properly defend against the charges in the indictment, it is necessary and essential to the defense that specific items of factual information not recited in the indictment, including the substance of the conduct of the defendant and those who may also be charged, whether apprehended or not, be supplied to defense counsel. This request is necessary because the accusatory instrument in the instant case is lacking in factual detail and is conclusory in nature. There was no preliminary hearing held in this case.

Thus a Request for a Bill of Particulars is made requesting the following particulars:

1. With respect to each and every count of the indictment state whether:
 - a) the prosecution intends to prove that the defendant acted as a principal or an accomplice or both
 - b) if the prosecution intends to prove that the defendant acted as a principal, set forth the conduct of the defendant that constitutes the basis for his alleged principal liability, and of each other participant, if any, that which constitutes the basis for the defendant's principal liability.
 - c) if the prosecution intends to prove that the defendant acted as an accomplice, then set forth the conduct of the defendant which constitutes the basis for his alleged accessory liability and of each other participant, if any, which constitutes the basis for accessory liability.

2. Please set forth the exact acts and words attributable to the defendant, which the Government contends, give rise to criminal liability for the crimes charged herein. Set forth the conduct and words attributed to each party accused of acting in concert with the defendant at the time and place involved, if any.

3. Please set forth the exact time, date, and location of the crimes alleged in the indictment. Please specify, as to each count of the indictment, the time, date, duration and location of the acts allegedly committed by the defendant, as distinct from the acts allegedly committed by any codefendant. Also, please specify in detail as to each count of the indictment, the exact acts, either individually or in concert with any codefendants, that the People contend give rise to criminal liability on the part of the defendant.

4. With respect to the charges of Illegal Gambling, in violation of New York Penal Law Sections 225.05 and 20.00, and Title 18, United States Code, Sections 1955(a), 2 and 3551 et seq., set forth:

- a) The exact conduct on the part of the defendant that constitutes each alleged violation of said penal law sections;
- b) The exact conduct on the part of the defendant that constitutes each alleged violation of said penal law sections;
- c) The exact conduct on the part of the defendant that constitutes each alleged violation of said penal law sections;
- d) The exact conduct on the part of the defendant which evidences the existence of an intent to forcibly steal;
- e) Whether the People intend to prove the defendant acted as a principal, accomplice or both;

Request is further made that any refusal to supply any of the requested material be made in writing setting forth the grounds for such refusal and a copy of such writing be served upon defense counsel and filed with the Court within fifteen (15) days from your receipt of this Request for a Bill of Particulars.

Please take notice that these requests are continuing in nature. Please be further advised that the right to make further Requests for a Bill of Particulars, as well as the right to make any and all motions, after the People's response to this letter is hereby reserved by the defense. The defense incorporates within any future motion all particulars not responded to within fifteen (15) days of service of this letter.

Very truly yours,

JOHN J. ORLANDO, ESQ.
Attorney for Defendant Spinelli
8118 13th Avenue
Brooklyn, New York 11228
(718) 238-0020